

**UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RONALD WASHINGTON,

Plaintiff,

Civil Case Number: 06-12588

v.

DIST. JUDGE PAUL D. BORMAN
MAG. JUDGE STEVEN D. PEPE

FREDA RANDALL-OWENS, GERALD
SOMERS, ANDREW JACKSON, JEFFERY
WHITE, DARRELL STEWARD,
CLARENCE POWELL, ANN
BAREWALDE, RUTH INGRAM,
MS. B. ALLEN, MS. D. LEWIS,
MS. B. SMITH, MARY BERGHUIS, ROBERT
SIKKENGA, MICHAEL SINGELTON,
BONNIE LEWIS, BRIDGET WILLIS, PAM
CUMMINGS, and PATRICIA CARUSO,

Defendants.

**ORDER AFFIRMING THE MAGISTRATE JUDGE'S JUNE 5, 2007 ORDER DENYING
PLAINTIFF'S MOTION TO COMPEL (DOCK. NO. 92)**

Now before the Court is Plaintiff Ronald Washington's appeal from the Magistrate Judge's June 5, 2007 Opinion and Order denying Plaintiff's Motion to Compel as moot. (Docket No. 92). Having considered the entire record, and for the reasons that follow, the Court AFFIRMS Magistrate Judge Pepe's June 5, 2007 Opinion and Order Denying Plaintiff's Motion to Compel.

A magistrate judge may be designated to decide "any pretrial matter pending before the court, except a motion for injunctive relief, for judgment on the pleadings, for summary judgment" 28 U.S.C. § 636(b)(1)(A). The magistrate judge's opinion on a non-dispositive matter may be reconsidered by a district judge if it is shown that it is clearly erroneous or contrary to law. *Id.*; *see also* FED. R. CIV. P. 72(a); *United States Fidelity and Guaranty Co. v.*

Thomas Solvent Co., 955 F.2d 1085, 1088 (6th Cir. 1992).

In Plaintiff's appeal of the Magistrate Judge's Order denying Plaintiff's Motion to Compel, Plaintiff states that Defendants Ann Barewalde and Barbara Bush were the Hearing Officers at the Macomb Correctional Facility. Plaintiff argues that while Bush refused to act in a conspiracy with Defendant Gerald Somers to take Plaintiff's property, Barewalde took the property in a mock hearing on Bush's day off. Plaintiff contends that Defendant has not provided any discovery as to Barewalde's job title, duties, responsibilities, and Administrative Code and Rules.

The Magistrate Judge denied Plaintiff's motion as moot because it appeared that Defendants complied with Plaintiff's discovery requests prior to the filing of his Motion to Compel. Plaintiff does not contest that Defendants sent him the discovery. Indeed, Defendants attached, as exhibits, two Certificates of Service, showing that the requested material was sent to Plaintiff through the U.S. Mail. Plaintiff only argues that, at this time, he still has not received the discovery.

Accordingly, the Court AFFIRMS Magistrate Judge Pepe's June 5, 2007 Opinion and Order Denying Plaintiff's Motion to Compel. However, the Court hereby ORDERS Defendants to re-send the discovery materials, which were originally mailed on May 31, 2007 and June 4, 2007, to Plaintiff via certified mail, return receipt requested.

SO ORDERED.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: July 31, 2007

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on July 31, 2007.

s/Denise Goodine

Case Manager